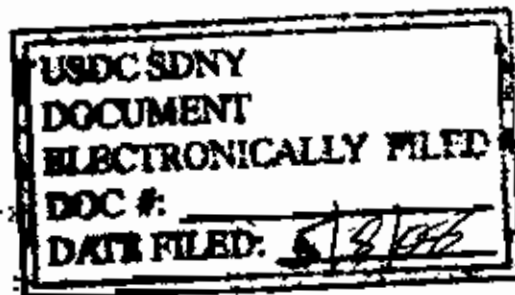


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



SONJA KINGSLEY,

Plaintiff,

: ORDER

- against -

: 07 Civ. 7629 (NRB)

NEW YORK CITY POLICE DEPARTMENT, CITY
OF NEW YORK, POLICE COMMISSIONER
RAYMOND KELLY, AND DEPUTY INSPECTOR
VINCENT A. GURRIERA,

:

:

Defendants.

:

-----X
NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

Sonja Kingsley seeks leave to file an amended complaint adding Captain Steven Rubin as a defendant. The only reference to Captain Rubin is the following paragraph in the proposed complaint:


Wherefore, plaintiff Sonja Kingsley asks the court to award damages in the amount of \$1,000,000 (one million) from NYPD, Commissioner Raymond Kelly, Captain Steven Rubin, and the City of New York for allowing and participating in this abuse and retaliation.

Merely including a defendant in the prayer for relief without alleging the nexus between his or her conduct or position and the harm caused thereby fails to pass muster even under the liberal pleading standard of Fed. R. Civ. P. 8, which requires only a "short and plain statement of the claim showing that the pleader is entitled to relief." "It is well-settled that where the complaint names a defendant in the caption but contains no allegations

indicating how the defendant violated the law or injured the plaintiff," the complaint fails to state a claim upon which relief can be granted. McCoy v. Goord, 255 F. Supp. 2d 233, 258-59 (S.D.N.Y. 2003); see also Bell Atlantic Corp. v. Twombly, 127 S.Ct. 1955, 1964-65 (2007) (noting that plaintiffs must sufficiently plead the facts underlying the claim "to raise the right to relief above the speculative level on the assumption that all the allegations in the complaint are true").

Accordingly, Kingsley's motion for leave to file an amended complaint is DENIED.

DATED: New York, New York
May 8, 2008


NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

A copy of the foregoing Order has been mailed on this date to the following:

Plaintiff

Sonja Kingsley
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Staten Island, NY 10301

Counsel for Defendants

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Assistant Corporation Counsel
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